

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Donald E. Wallar II
Serial No.: 09/471,429
For: MESSAGE COMPOSITION FOR COMPUTER, MEDIA AND
METHOD
Filed: December 23, 1999
Examiner: Sanjiv Shah
Art Unit: 2627
Confirmation No.: 7384
Customer No.: 64612
Attorney Docket: ST9-99-070

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant is submitting the present document concurrently with a notice of appeal for the above-noted application. Applicant is requesting that the Office review the final rejection of the claims as set forth in a final office action dated October 13, 2006. No amendments are being filed with this request.

Status of the Claims

Claims 1-7 and 10-29 are pending in the application, and stand finally rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,911,776 (Guck) in view of US Patent No. 6,629,130 (Mertama et al.) and/or US Patent No. 6,230,173 (Ferrel et al.).

Clear Errors in the Examiner's Rejection

Claims 1, 10, 15, 20, 21, 23, and 25 through 29 are independent claims having the common feature of employing an **unformatted plain text message**.

The Final Office Action states that an author Guck teaches that “an author could originate a text message of his own personal format.” Further, the Final Office Action states that Guck teaches composing a computer message “comprising the steps of: (a) presenting a message composition area for entry of an unformatted into one text field...” Still further, the Final Office Action states that Guck “teaches an author can create its own message or document in his own format such as Rich Text Format (RTF) (unformatted);”

All three statements above taken from the Final Office Action are incorrect statements because the Final Office Action incorrectly states that a message in a particular format chosen by an author is an unformatted message.

Thus, Guck reference merely indicates that it “would be desirable to provide a network where any client, no matter what format his document consists of, or what his personal computer protocol system utilizes, could create, originate or author a document and enable this document's content to be transmitted to and received by personal computer clients or appliances using different types of protocol so as to be received by appliances such as FAX machines, telephones and E-Mail users” the key term used in this context being **“using different types of protocol.”**

Guck is clearly referring in this paragraph to “using different types of protocol,” **not** to composing a computer message “comprising the steps of: (a) presenting a message composition area for entry of an unformatted into one text field...”

In fact, the term **unformatted** does not appear at all anywhere in Guck. Accordingly, it is clear the Final Office Action has erroneously equated the step of **converting the unformatted message to form a formatted message** according to the present invention to Guck's system where **one formatted message** is converted to **another formatted message**.

The contradictory statement in the Final Office Action is clearly seen in the statement that Guck "teaches an author can create its own message or document in his own format such as Rich Text Format (RTF) (unformatted)," which leads to the **illogical** conclusion that "Rich Text Format" is "unformatted."

What Guck discloses is a network providing a server using an object-database that enables an author to create and store an original document, as a source file with **a first format**. Software in the database provides multiple sets of shadow file-converter groups connected to the source file of the original document. Each shadow file-converter set enables the transformation of the original source file format into **another specific type of format**.

Clearly, it is not a method for composing a computer message which employs the step of **converting an unformatted message to a formatted message** as recited in the claims of the present invention.

Still further, the Final Office Action asserts that Guck discloses creating a message in Rich Text Format (RTF), and that RTF is "unformatted" and "is not a tagging language like TIFF, SGML or HTML." The Final Office Action states that Guck "teaches converting Rich Text format (an untagged format) into TIFF (a tagged format)."

These assertions are flatly contradicted by the disclosure of Guck, which states that RTF is a "a Microsoft standard for encoding formatted text and graphics." Col. 7, lines 1 and 2.

As established above, an RTF message is not an unformatted message. Guck therefore fails to disclose or suggest converting an **unformatted message** to form a formatted message from a text field with format tags.

Mertama discloses a method for implementing electronic mail services. The method parses the structure of electronic mail messages and expresses it to a client as necessary. A terminal sends a server an inquiry about the structure of a selected electronic mail message. The electronic mail message is identified by means of a tag, which unambiguously identifies the message in the mailbox. The terminal analyses the format of the electronic mail message and checks the need for conversion. If conversion is necessary, the server carries out the selected conversion and gives the converted electronic mail message a new identifying tag and stores the message in a mailbox.

Guck and Mertama, either alone or in combination, do not render claim 1 obvious because Guck fails to disclose or suggest the step of presenting a message composition area for entry of an **unformatted message** into a text field.

Mertama fails to remedy the deficiencies of Guck. The Final Office Action indicates that Mertama teaches assigning tags to formatted messages. Mertama does not teach or suggest a composition area for entering an unformatted message, nor does it disclose or suggest converting an unformatted message to form a formatted message. In addition, the tags disclosed in Mertama are identifying tags, not formatting tags. See col. 5, lines 40-43 and 60-61. Therefore, Guck and Mertama, either individually or in combination, fail to render claim 1 obvious.

Ferrel fails to overcome the deficiencies of Guck and Mertama shown herein above as applied to claims 1, 10, 15, and 20-29.

Ferrel discloses a story editor that is able to save files in a Multimedia Document Format (MDF). These multi-media files are then used to provide content for displayed online titles. Ferrel also discloses a method of translating Rich Text Format (RTF) files into MDF files. However, as outlined above, RTF is a standard for encoding **formatted** text and graphics. In other words, Ferrel discloses a method for translating files from one format to another.

Ferrel does not disclose or suggest converting an unformatted message to form a formatted message.

Thus, Mertama and Farrel, either alone or in combination, fail to remedy the deficiencies of Guck.

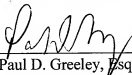
In view of the foregoing, Applicant respectfully submits that all claims presented in this application distinguish over the cited references and any combination thereof.

Accordingly, Applicant respectfully requests reconsideration and allowance of all pending claims, namely claims 1-7 and 10-29. An indication of allowance of all pending claims by issuance of a Notice of Allowability is earnestly solicited.

Respectfully submitted,

Date

3/13/08


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